

USDC SCAN INDEX SHEET



MEG 9/7/99 8:03

3:99-CR-00029 USA V. NIKKHAH

38

CRINDISPS.

FILED

99 SEP -2 PM 3:34

SY: *mgn/mo* DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

April 1998 Grand Jury

UNITED STATES OF AMERICA,)	Criminal Case No. 99CR0029H
Plaintiff,)	<u>I N D I C T M E N T</u>
)	(2nd Superseding)
v.)	
KASRA NIKKHAH (1),)	Title 18, U.S.C., Sec. 286 -
MICHAEL PERSAUD (2),)	Conspiracy; Title 18, U.S.C.,
Defendant.)	Sec. 1341 - Mail Fraud; Title 18,
)	U.S.C., Sec. 287 - False Claims;
)	Title 18, U.S.C., Sec. 2 -
)	Aiding and Abetting

The grand jury charges:

INTRODUCTORY ALLEGATIONS

1. At all times material to this indictment, defendant KASRA NIKKHAH, doing business as NRG Environmental Health and Safety ("NRG"), analyzed asbestos air samples in his apartment at 371 Gravilla, La Jolla, California.

2. At all times material to this indictment, defendant KASRA NIKKHAH was a subcontractor for Controlled Environmental Systems, Inc. ("CESI"), with the job of analyzing asbestos air samples on U.S. Navy contract N63387-95-B-0143.

27 //

28 MKP:cks:San Diego
9/1/99

38

1 3. At all times material to this indictment, defendant MICHAEL
2 PERSAUD analyzed asbestos air samples for NRG under the Navy contract,
3 and prepared testing reports under a false name, knowing that he was
4 not on the American Industrial Hygiene Association's Asbestos Analyst
5 Registry, as required by the Navy contract.

Count_1

7 Paragraphs 1-3 of the Introductory Allegations are incorporated
8 herein as if set forth in full.

9 Between on or about May 1, 1996, and on or about September 13,
10 1996, within the Southern District of California, defendants MICHAEL
11 PERSAUD and KASRA NIKKHAH conspired to defraud the United States
12 Department of the Navy, by obtaining and aiding to obtain payment of
13 a false, fictitious and fraudulent claim.

14 As the method and means of said conspiracy, defendant KASRA
15 NIKKHAH, doing business as NRG Environmental, was a subcontractor to
16 CESI on a U.S. Navy contract. NRG Environmental performed asbestos
17 air sample testing on Navy buildings that had undergone renovation,
18 including asbestos removal.

19 As a further method and means of the conspiracy, defendant
20 MICHAEL PERSAUD, on behalf of NRG, prepared testing reports under a
21 false name, knowing that he was not on the American Industrial Hygiene
22 Association's Asbestos Analyst's Registry, as required by the Navy
23 contract. These test reports would be submitted to the United States
24 Department of the Navy by the prime contractor, CESI, after they were
25 received from NRG.

26 //

27 //

28 //

1 CESI thereafter submitted invoices for payment to the Navy. Such
2 invoices would be paid by the Navy after receipt of acceptable
3 asbestos air sample testing results from a purported qualified
4 analyst.

OVERT ACTS

6 The following overt acts, among others, were committed within the
7 Southern District of California in furtherance of the conspiracy:

8 1. On or about March, 1996, in San Diego, defendant KASRA
9 NIKKHAH agreed to conduct asbestos air sample testing on the Navy
10 contract for CESI.

11 2. On or about March, 1996, in San Diego, defendant KASRA
12 NIKKHAH sent an asbestos air sample testing report for Asbestos
13 Analyst Registry participation in a false name to the American
14 Industrial Hygiene Association.

15 3. On or about between March, 1996, and May, 1996, in San
16 Diego, defendant KASRA NIKKHAH directed defendant MICHAEL PERSAUD to
17 prepare asbestos air sample testing reports under a false name, to be
18 submitted to the Navy, under the CESI contract.

19 4. On or about May 29, 1996, in San Diego, defendant MICHAEL
20 PERSAUD prepared asbestos air sample testing reports, using a false
21 name.

22 5. On or about July 19, 1996, in San Diego, defendant MICHAEL
23 PERSAUD prepared asbestos air sample testing reports, using a false
24 name.

25 6. On or about July 22, 1996, in San Diego, defendant MICHAEL
26 PERSAUD prepared asbestos air sample testing reports, using a false
27 name

28 //

1 7. On or about August 5, 1996, in San Diego, defendant MICHAEL
2 PERSAUD prepared asbestos air sample testing reports, using a false
3 name.

4 8. On or about August 15, 1996, in San Diego, defendant MICHAEL
5 PERSAUD prepared asbestos air sample testing reports, using a false
6 name.

7 9. On or about September 5, 1996, defendant KASRA NIKKHAH sent
8 an invoice to CESI, requesting payment for the asbestos air sample
9 testing.

10 All in violation of Title 18, United States Code, Section 286.

Counts 2-6

12 Paragraphs 1-3 of the Introductory Allegations are incorporated
13 herein as if set forth in full.

14 On or about the dates set forth below in Column A, within the
15 Southern District of California, defendants KASRA NIKKHAH and MICHAEL
16 PERSAUD did devise a scheme and artifice to defraud, and for obtaining
17 money by means of false and fraudulent pretenses, representations, and
18 promises.

19 As a part of said scheme and artifice to defraud, the
20 defendants, knowing that they did not qualify under the Navy's
21 contractual requirements for testing laboratories and analysts,
22 submitted analytical reports of asbestos sampling to the government
23 which indicated that the testing had been performed by a person who
24 the defendants knew had not in fact performed the tests.

25 //

26 //

27 //

28 //

1 On the dates set forth below in Column A, for purposes of
 2 executing such scheme and artifice, defendants KASRA NIKKHAH and
 3 MICHAEL PERSAUD, having devised a scheme and artifice to defraud, did
 4 knowingly cause to be delivered by mail according to the direction
 5 thereon certain mail matter, to wit, checks in payment for invoices
 6 for services, as set forth below in Column B, to be delivered by the
 7 Postal Service:

<u>Count</u>	<u>Column A</u>	<u>Column B</u>
	(date)	(mail matter)
11 2	9-9-96	check #5234-23103775 for payment for CESI invoice 01, delivery order 13;
14 3	9-4-96	check #5234-23102195 for payment for CESI invoice 01, delivery order 14;
17 4	9-12-96	check #5234-23105141 for payment for CESI invoice 01, delivery order 16;
20 5	9-16-96	check #5234-23106129 for payment for CESI invoice 01, delivery order 17;
23 6	9-27-96	check #5234-23111437 for payment for CESI invoice 001, delivery order 11; check #5234- 23111436 for payment for CESI invoice 001, delivery order 19.

27 All in violation of Title 18, United States Code, Sections 1341 and 2.

28 //

1 Counts 7-12

2 Paragraphs 1-3 of the Introductory Allegations are incorporated
3 herein as if set forth in full.

4 On or about the dates set forth below in Column A, within the
5 Southern District of California, defendants KASRA NIKKHAH and MICHAEL
6 PERSAUD, doing business as NRG Environmental, did cause to be made and
7 presented to the United States Department of the Navy, a department
8 of the United States, claims against the United States, as set forth
9 below in Column B, knowing such claims to be false, fictitious and
10 fraudulent, in that certain samples were not analyzed by the
11 registered tester reported to be the analyst:

12	<u>Count</u>	<u>Column A</u> (date)	<u>Column B</u> (claim)
13	7	8-26-96	CESI invoice 001, delivery order 11
14	8	6-10-96	CESI invoice 01, delivery order 13
15	9	6-10-96	CESI invoice 01, delivery order 14
16	10	8-12-96	CESI invoice 01, delivery order 16
17	11	8-12-96	CESI invoice 01, delivery order 17
18	12	9-10-96	CESI invoice 001, delivery order 19

20. All in violation of Title 18, United States Code, Sections 287 and 28

Counts 13-20

22 Paragraphs 1-3 of the Introductory Allegations are incorporated
23 herein as if set forth in full.

24 On the dates set forth below in Column A, within the Southern
25 District of California, defendants KASRA NIKKHAH and MICHAEL PERSAUD
26 did, in a matter within the jurisdiction of the United States
27 Department of Defense, knowingly and willfully make and use a false
28 writing and document, as set forth below in Column B, knowing the same

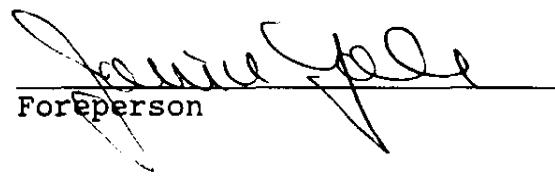
1 to contain a materially false statement and entry, to wit: the sample
2 analyst was falsely identified as AAR registered analyst Turkan
3 Moinizand;

4	<u>Count</u>	<u>Column A (date)</u>	<u>Column B (document)</u>
5	13	7-19-96	report of analysis of sample 73003
6	14	7-22-96	report of analysis of sample 73004
7	15	7-30-96	report of analysis of sample 73009
8	16	8-1-96	report of analysis of sample 73010
9	17	8-5-96	report of analysis of sample 73016
10	18	8-6-96	report of analysis of sample 73020
11	19	8-14-96	report of analysis of sample 73024
12	20	8-15-96	report of analysis of sample 73032

13 All in violation of Title 18, United States Code, Sections 1001(a)(3)
14 and 2.

15 DATED: September 2, 1999.

16 A TRUE BILL:

17
18
19
20 
21
22 
23
24
25
26
27
28

GREGORY A. VEGA
United States Attorney

By: 
22 MELANIE K. PIERSON
23 Assistant U.S. Attorney

United States District Court

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

v.

WARRANT FOR ARREST

Michael Persaud(2)

CASE NUMBER: 99cr0029H

To: The United States Marshal
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest

Michael Persaud

Name

and bring him or her forthwith to the nearest magistrate to answer a(n)

Indictment Information Complaint Order of Court Violation Notice Probation Violation Petition
 Pretrial Violation

charging him or her with (brief description of offense)

18:286 - Conspiracy

18:1341 - Mail Fraud

18:287 - False Claims

18:2 - Aiding and Abetting

In violation of Title

See Above

United States Code, Section(s)

Roberta Westdal

Name of Issuing Officer

Mayme E. Gomez

Signature of Deputy

Clerk of the Court

Title of Issuing Officer

9/3/99 San Diego

Date and Location

Bail fixed at \$

no bail set

by The Honorable The Honorable Cynthia G. Aaron

Name of Judicial Officer

RETURN

This warrant was received and executed with the arrest of the above-named defendant at _____

DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST		